

## Review Updates (The Non-Controversial Issues)

### New Development:

- Recommended Decision: Approve
- Concern Raised in Proposed Decision: One EPA subject matter expert notes that conformity with the (g) guidance design/performance standard is not required by State's TMDL Implementation Guidance—only encouraged, and that state is not sincere about its commitment to follow through with its backup enforceable authorities.
- Reason for Recommended Action: State has finalized TMDL Implementation Guidance as requested and satisfied all three Enforceable Policies and Mechanisms (EP&Ms) elements needed for approving its voluntary approach. Rationale for interim approval is very strong.
- Revisions to Proposed Rationale: Decision flipped from proposing disapproval last December to interim approval now. Rationale rewritten to reflect TMDL implementation guidance has been finalized and EP&Ms have been met.
- Concerns raised during public comment period: None. Very few comments on New Development (5 commenters), and all general in nature. None challenge Oregon's TMDL Implementation Plan approach for meeting this management measure (MM).
- Status: Rationale drafted; summary comments drafted; response to comments in progress.

### OnSite Disposal Systems (OSDS) Inspections:

- Recommended Decision: Approve
- Concern Raised in Proposed Decision: (b)(5) Deliberative  
[REDACTED]
- Reason for Recommended Action: Oregon has developed a strong voluntary/incentive-based approach that includes an adequate commitment of state resources and the required tracking and monitoring elements.
- Revisions to Proposed Rationale: Decision flipped from proposing disapproval last December to interim approval now. Rationale rewritten to describe how programmatic gaps have been closed/addressed and EP&Ms have been met.
- Concerns raised during public comment period: 12 commenters noted need for improvements in OSDS maintenance and/or inspections. Most comments were general; none challenge Oregon's plan for meeting the OSDS Inspections MM, which is not surprising, given that it is mostly new in 2014.
- Status: Rationale drafted; summary comments drafted; response to comments in progress.

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#### Forestry Landslides:

- Recommended Decision: Disapprove
- Concern Raised in Proposed Decision: State does not have programs in place to protect high-risk landslide areas to ensure water quality standards and designated uses are achieved.
- Reason for Recommended Action:
- Revisions to Proposed Rationale: Citing additional science to show that harvesting and road construction on high-risk landslide areas does increase risk of landslides and impact water quality.
- Concerns raised during public comment period:
- Status: Rationale drafted but still working to improve science discussion; summary comments drafted; response to comments not started.

#### Response to General Comments:

- Status: Response to comments drafted; responses to 14 comments drafted (3 more to go although a few responses may need to be tweaked based on final decisions for other management measures)

#### Responding to Public Comments Other Aspects of Oregon's Coastal Nonpoint Program that We Did Solicit Comments (such as on the Effectiveness of Oregon's General Monitoring and Tracking Efforts)

- Recommended Action: Acknowledge comments received. State that we did not solicit comments on these aspects of Oregon's program and are only considering comments related to new development, OSDs, additional management measures for forestry, agriculture, and general comments regarding CZARA at this time. There will be another opportunity for the public to comment on these specific aspects of Oregon's program when NOAA and EPA propose to approve Oregon's program.
- Reason for This Response:
  - Avoids responding substantively to comments that may indicate a decision the federal agencies have made a decision about elements of Oregon's program until we are assured we have received all comments and information on these MMs.
  - Avoids a providing a substantive response that may conflict the decision and statements made in the rationale we will draft once we propose approval of these MMs.
- Next Steps:
  - Develop standard response that undergoes technical, policy, managerial and legal review.